

| Time | Topic | Purpose | Presenter(s) | Format | Time allocated |
|----------------|---|---------|---|---------------|----------------|
| 11.45am | Hamilton Gateways Policy and Streetscape Beautification and Verge Maintenance Policy To seek guidance and direction from Members on the future of these policies and the potential opportunities the review brings. | | Glenn Bunting Phoebe Flexman Maria Barrie | Open Briefing | 60 mins |
| 12.45pm | LUNCH | | | | 60 mins |

DISCUSSION TOPIC SUMMARY

Topic: Hamilton Streetscape and Gateways Policy Review 2023

Related Committee: Infrastructure and Transport

Business Unit/Group: City Transport

Key Staff Contact/s: Glenn Bunting & Phoebe Flexman

Direction Discussion/Drop in Session recommended? Yes **Status:** Open

PURPOSE OF TOPIC/INFORMATION

1. To seek direction from Members as to the **draft policy principles** developed from the previous workshop,
2. To seek direction from Members on **primary and secondary Gateway locations** for Hamilton city and associated amenity and maintenance levels of service,
3. To seek members views on **private planting on berms**, considering recent legal advice, to inform the policy review, and
4. Capture **any other feedback** that will inform the review.

| Date | Timeline |
|-----------------------|---|
| 8 March | Start review with internal stakeholders including early engagement with iwi/Mana Whenua groups |
| 22 March | First Elected Member briefing - guidance and direction on matters to be considered in the policy reviews from Elected Members. |
| 2 August | Today's Elected Member workshop on Gateway options and discussion on legal advice on private berm planting |
| Late August | Draft 1 circulated to Members prior to engagement with Iwi and Mana Whenua and key internal stakeholders |
| September | Seek feedback from local Iwi and Mana Whenua representatives on draft 1 of the policy |
| October | Seek feedback with key internal stakeholders on draft 1 of the policy |
| Late October | Consolidate feedback of draft 1 to form draft 2 |
| November | Circulate draft 2 with Elected Members prior to second briefing late January/February 2024. |
| January/February 2024 | Second Elected Member briefing seeking preliminary approval for Draft 2 prior to final approval at I&T committee. |
| Mid 2024 | Final approval of combined Gateways and Streetscape Policy at I&T committee. |

WHAT KEY THINGS SHOULD MEMBERS THINK ABOUT/ CONSIDER IN UNDERSTANDING THIS INFORMATION?

A summary of what we heard from Members at the last workshop can be found in **Appendix 1**.

Members should think about/consider:

Principles for the new merged policy:

- the policy's draft principles have been developed in alignment with key Strategies: Access Hamilton, Our Climate future, He Pou Manawa Ora, and Nature in the City.

Gateway locations and levels of service

- Review primary and secondary gateway locations and associated amenity and maintenance levels of service

Private planting on berms:

- managing the reputational risk for Council regarding safety for members of the public.
- the impacts the policy may have on the environment: quality of water, microplastics, urban heat island effect, biodiversity, natural water treatment, harmful chemicals and climate change.
- the role the berm plays in regular resource recovery services (rubbish and recycling) and the need to ensure the outside berm is clear, maintained, and unimpeded for collections.
- the berm maintenance responsibility in medium-high density housing areas, and
- the community's views/feedback on this topic and any other points of interest.

POLICY EXCLUSIONS:

- This policy only applies only to on-street planting (berms and traffic islands/medians) in the city. This policy does not apply to parks and reserves including the river corridor.
- This policy excludes defining the species of trees that are allowed to be planted. This is covered in the Hamilton Tree Policy (*currently under development*).

KEY SUMMARY POINTS

DRAFT POLICY PRINCIPLES:

- Staff have taken the feedback from Members and have developed five draft principles that could form the basis of the revised policy. They are the following:
 - Inclusive & accessible places for people
 - We prioritize the health, wellbeing and safety of our land and our people
 - Our streetscapes & gateways are ready for the changing climate
 - Nature grows and thrives all around us
 - Our delivery is consistent & financially sustainable
 - We uplift the power of Kaitiakitanga
- A description of the principles can be found in [Appendix 1](#).

GATEWAYS OF HAMILTON:

- Staff have reviewed all of the gateways into Hamilton, including their volume and recommend reviewing how we classify what a 'Primary' and 'Secondary' gateway is.
- Staff have come up with the following suggestions:
 - Primary: Over 17,500/ day
 - Secondary: between 10,000-17,500/ day
 - Tertiary (NEW): Below 10,000/day
- Do Members agree with the classification? Should it be based on volume (data) or preference?
- Volume is the average daily figure for the number of people who move through the Gateways (in Bus, car, truck) Monday –Sunday March 2023 Data

Defining Levels of Service:

- Staff recommend reclassifying the three schedules used to confirm the LOS for our gateways and three schedules based on a high-level matrix of "Amenity" and "Maintenance".
- The proposed matrix and scheduling is the following:

| | | |
|----------------------|--------------------------|-------------------------|
| High Amenity: | Schedule 1 (proposed) | Schedule 2 (proposed) |
| Low Amenity: | | Schedule 3 (proposed) |
| | High maintenance: | Low Maintenance: |

- Schedules are defined in the ppt otherwise in **appendix 1**.
- Members can find current policy classification information in **appendix 1**.
- Visual examples of what these classifications can look like are shown in **appendix 1 and the ppt**.
- **Following Members confirmation of high-level schedules classification, Transport and Parks staff will work together to define these based on direction from Members and use them to develop work programs for AMP/LTP conversations.**

ADVICE ON ALLOWING PRIVATE PLANTING ON BERMS:

Staff have sought legal advice in preparing the advice on this matter, which is incorporated below:

- key issue is managing the reputational risk for Council if private planting on berms is allowed
- notwithstanding ACC provisions, Council can still be liable for other types of loss e.g. damage to a vehicle in certain circumstances, etc
- specific permission using 'Licences to Occupy' recommended rather than allowing without approval
- new administrative burden for Council
- no clear organisational fit for monitoring and enforcement (not obviously City Safe of Parking Enforcement)
- legal ability to regulate under the Local Government Act is not clear
- More information can be found in **appendix 1** attached.

WHERE CAN MEMBERS FIND MORE INFORMATION?

- Refer following appendix for more information on
 1. What we heard at the first Elected Member briefing
 2. Draft policy principles and descriptions
 3. Current gateway classification descriptions
 4. Current gateway traffic volumes and classifications
 5. Legal advice regarding private planting on berms
 - a. Enforcement
 - b. Liability
 - c. Practical advice from City Safe

WHAT DIRECTION/FEEDBACK/INPUT DO YOU NEED FROM ELECTED MEMBERS

1. Confirmation of the draft policy principles.
2. Confirmation of primary and secondary gateways and associated amenity and maintenance levels of service for the three schedules.
3. Direction on allowing, or not allowing, private planting on berms.

STREETSCAPE & GATEWAYS WORKSHOP 2:

ATTACHMENT/APPENDIX ONE

2 August 2023

Contents of attachment:

1. What we heard at the first Elected Member briefing
2. Draft policy principles and descriptions
3. Current gateway classification descriptions
4. Current gateway traffic volumes and classifications
5. Legal advice regarding private planting on berms
 - a. Enforcement
 - b. Liability
 - c. Practical advice from City Safe

1. What we heard at first Elected Member briefing:

- Members highlighted concerns for our gateways, emphasizing that they are often a “First impression” and present a “marketing” opportunity for Hamilton, emphasizing the need to review the amenity/ level of service for each.
- Members wanted to review the gateways to ensure we have the gateway classifications right based on the movement of people into/out of the city.
- Members understood the key points staff raised and have a wide range of views on “private planting on berms”. Members asked to understand the legal implications to help them make a more informed decision as to whether private planting is allowed or not, in the revised policy.
- Members raised key concerns and helped to guide staff in taking a ‘principles’-based approach to the policies review. These concerns were around:
 - Consistency for every neighborhood
 - Ease of Maintenance & longevity. Reduce costs
 - Making use of technology/ being innovative
 - Plants fit for the climate and location
 - Permeability (Climate resilient infrastructure, rain permeability and the need to be sustainable)
 - Reflects our culture and heritage

2. Draft policy principles and descriptions

- Staff have reviewed the feedback from Members at the last workshop, key strategies and conversations with staff to develop the five draft guiding principles for the policy. They are as follows:

| Principle | Description |
|---|--|
| Inclusive & accessible places for people | We manage our berms to ensure they support form and function of the street (in alignment with our One Network Framework) and don't create barriers to anyone using, walking, or wheeling on the footpaths. |
| We prioritise the health, wellbeing and safety of our land and our people | Our streetscapes enable ‘Healthy streets’ living and using and taking care of them, doesn't pose any unnecessary risks to our people and our land. |
| Our streetscapes & gateways are ready for the changing climate | We ensure our berms and streetscape are <u>innovative & future focused</u> and use <u>climate resilient Infrastructure & planting</u> that is fit for our changing climate. |
| Nature grows and thrives all around us | We ensure that our streetscape and gateways promote sustainable practices, protects our trees & improves native biodiversity. |
| Our delivery is consistent & financially sustainable | Our berms and gateways around the city are <u>consistent</u> wherever you look. They are <u>easy & safe to care for</u> , and their construction, maintenance and |

| | |
|--------------------------------------|---|
| | renewals limits greenhouse gas emissions as set out in the Climate Change Policy and is <u>financially sustainable</u> . |
| We uplift the power of Kaitiakitanga | Our streetscapes and gateways <u>reflect & enhance our culture</u> and history of the natural area (in alignment with He Pou Manawa Ora). |

3. Current Gateways volumes and classifications

- Staff have reviewed all of the Gateways and have noted their daily traffic volume and current policy classification.
- Volume* is the average daily figure for people in (bus, car, truck) who move across the gateways (Monday - Sunday)- March 2023 Data.

| NUMBER | Name | Volume* | N,S,E,W | Current |
|--------|---------------------------|---------|------------|-----------|
| 1 | Cambridge Rd | 27,100 | South | Primary |
| 2 | Mangaharakeke Dr | 25,000 | North | Primary |
| 3 | Pardoa Blvd/ Greenhill Rd | 18,500 | East | Secondary |
| 4 | Whatawhata Rd | 18,100 | West | Secondary |
| 5 | Te Rapa Rd | 17,800 | North | Primary |
| 6 | Ruakura Rd | 16,000 | East | Secondary |
| 7 | Ohaupo Rd | 11,800 | South | Secondary |
| 8 | Morrinsville Rd | 13,100 | East | Secondary |
| 9 | Tuhikaramea Rd | 12,900 | West | Secondary |
| 10 | Resolution Dr | 12,600 | North | Primary |
| 11 | Collins Rd | 9,100 | West | |
| 12 | Gordonton Rd | 7,800 | North | Secondary |
| 13 | River Rd | 7,500 | North | |
| 14 | Matangi Rd | 6,500 | South East | |
| 15 | Puketaha Rd | 6,200 | North East | |
| 16 | Horsham Downs Rd | 5,800 | North | |
| 17 | Rotokauri Rd | 3,400 | West | |
| 18 | Exelby Rd | 2,900 | West | |

4. Current Gateways classifications:

- The current policy classifies the Gateways under the following descriptions:

| Classification | Description | Design principles |
|---|--|--|
| Schedule 1 Primary gateways (Type 1) | Will provide a high level of amenity characterized by a selection of the following treatments: <ul style="list-style-type: none"> Landscaping and planting. Public art. Signage, including billboards. Built features. | The following will be considered for: <ul style="list-style-type: none"> a. public art and/or other built features to clearly signal gateway entry and sense of arrival) that express the uniqueness and identity of Hamilton and the site's history, environment or cultural significance. b. The creation of distinctive landmarks through soft landscaping and, where applicable, earth sculpturing may be incorporated to express the local character and/or cultural history. c. The use of simple, strong, structured planting to establish a consistent approach across all gateways. d. Clear signs. e. Tourism options. f. Reference to relevant Council documents specified in Schedule 4. |
| Schedule 2 Secondary Gateways (Type 2) | Will provide a medium level of amenity characterized by a selection of the following treatments: <ul style="list-style-type: none"> Minor planting Signage | |

- The current policy also states the following (section 6):
"Gateways are not intended to incorporate promotional tools (e.g. pole banners for upcoming events), but billboards may include city promotion."
- What the high level matrix we are proposing means and can look like:

| What does this mean? & what are examples? | High maintenance: ie. high complexity to look after e.g. pest control, weed control, mowing, compost, chemical application, de-heading, frequent pruning. | Low Maintenance: ie. Weed, rake & annual prune |
|--|--|---|
| High Amenity: Means what it looks like, and what it has to offer to the community. | Bedding plants  | Low maintenance planting with a Built feature. ie. Cultural art Sculpture or a digital billboard  |
| Low Amenity: Basic level of information but is still looks inviting & attractive. | Grass to mow  | Low maintenance planting, with no built feature. Can include rocks in concrete.  |

5. Policy options for allowing private planting on berms:

- Staff have sought legal advice of the implications associated with allowing private planting on the berm as directed by Elected Members at the last workshop, and that advice is incorporated below.
- The key issue for Council is managing the risk around any decisions on how planting on berms is managed.

- Two options for providing for private planting:
 - a. Policy adopted establishing criteria that planting must meet but no approval from Council is required - this is considered high risk with high administration costs for monitoring against the policy requirements, and with little opportunity to recover costs of remedial action should they be required;
 - b. Policy adopted establishing criteria planting must meet and Council approval required – Council approval would be a license to occupy for use of the berm, which would include standard conditions as to what the berm can be used for, what can be planted, obligations around maintenance and returning the berm to grass, cost recovery, and all Health and Safety/Site Traffic Management System obligations and requirements (ie signs and cones while ‘working on the road was being undertaken).
- A license to occupy is personal to the property owner, so if a property changes hands the new owner would need to enter into a new license with Council.
- There would be an administration burden associated with tracking license's, checking compliance, taking enforcement action or restoring berms by Council if needed. Because the license to occupy is personal, if a property is sold Council would need to take action to recover costs from the license holder rather than the new owner if they haven't entered into a new license with Council.

a. Enforcement options

- Council's powers under the provisions of 22AB of the Local Government Act 1974 and 2002 etc. don't give us the clear power to make a bylaw to enable regulatory action (I.e. infringement fines). The first option is - *(zc) regulating the use of, and protecting, grass plots, flower beds, and shrubberies laid out in roads or on land vested in or under the control of the relevant road controlling authority by or under the authority of the relevant road controlling authority, and protecting trees growing on any roads or on land vested in or under the control of the relevant road controlling authority (whether or not planted by the relevant road controlling authority).*
 - Regulating “grass plots, flower beds, and shrubberies” isn't considered to fit with the expectations of private planting and could actually indicate that the Local Government Act's intent that planting of anything other than grass, flowers and shrubs is not intended.
- Alternatively a second option is:
 - a. (zk) regulating any road-related matters not addressed by paragraphs (a) to (zj), including (but not limited to) enhancing or promoting road safety or providing protection for the environment.
 - b. This provision is more permissive. Legal advice is that more work and perhaps an external legal opinion would be required if we were looking at this type of a change to Council's regulatory instrument (through the Traffic Bylaw).

b. Liability

- Personal injury is covered by ACC in NZ, however Council can still be liable for other types of loss e.g., damage to a vehicle in certain circumstances (these are very fact specific) and Council can still be involved in coroners' investigations into deaths, where Council may not have a financial liability but may need to make improvements due to coroner recommendations.

c. Practical advice from City Safe

- Experience indicates that if private planting was allowed, the practice would grow exponentially, and expand beyond the ability of any licensing regime to control it
- Significant enforcement requirements are not currently supported by a regulatory mandate, and didn't really fit anything currently undertaken by Council (City Safe primarily deals with trading in public places, and parking enforcement on parking)
- reputational risk for Council if license to occupy allows an activity that then causes an incident, and Council monitoring would in turn be called into question if the requirements of the license hadn't been met
- likely to be significant issues with the level of consistency and managing compliance with the policy and any associated bylaw, which would create the need for additional compliance resources.

Hamilton Streetscape and Gateways Policy review 2023

Workshop 2: 2 August 2023

Purpose of Briefing/Workshop

1. To confirm draft policy principles based on feedback from last workshop
2. To seek direction on primary and secondary Gateway locations
3. To confirm streetscape planting categories based on the LOS for amenity and maintenance
4. To seek direction on private planting on the berm following recent legal advice
5. Capture any other feedback that will inform the review

What direction/feedback is needed from Members?

- Have we got the draft principles right? Are we missing anything?
- How would you like to re-classify our Gateways?
- Do you agree with the streetscape planting amenity & maintenance levels of service?
- Following the legal advice, should private planting be allowed in the berm?

Summary of what we heard last time

- Members highlighted concerns for our gateways, emphasizing that they are often a “First impression” and present a “marketing” opportunity for Hamilton.
- Members wanted to review the gateways to ensure we have the gateway classifications right based on the movement of people into/out of the city.
- Members understood the key points staff raised and have a wide range of views on “private planting on berms”. Members asked to understand the legal implications to help them make a more informed decision as to whether private planting is allowed or not, in the revised policy.
- Members raised key concerns and helped to guide staff in taking a ‘principles’-based approach to the policies review. These concerns were around:
 - Consistency for every neighbourhood
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| 22 March | First Elected Member briefing - guidance and direction on matters to be considered in the policy reviews from Elected Members. |
| 2 August | Today's Elected Member workshop on Gateway options and discussion on legal advice on private berm planting |
| Late August | Draft 1 circulated to Members prior to engagement with Iwi and Mana Whenua and key internal stakeholders |
| September | Seek feedback from local Iwi and Mana Whenua representatives on draft 1 of the policy |
| October | Seek feedback with key internal stakeholders on draft 1 of the policy |
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The draft guiding principles

To guide our actions and decision making, Members asked for guiding principles:

- Have we got the draft principles right?
- Are we missing anything?

| Principle | Description |
|---|---|
| Inclusive & accessible places for people | We manage our berms to ensure they support form and function of the street (in alignment with our One Network Framework*) and don't create barriers to anyone using, walking, or wheeling on the footpaths. |
| We prioritise the health, wellbeing and safety of our land and our people | Our streetscapes enable “healthy streets” living and using and taking care of them, doesn't pose any unnecessary risks to our people and our land. |
| Our streetscapes & gateways are ready for the changing climate | We ensure our berms and streetscape are innovative & future focused and use climate resilient Infrastructure & planting fit for our changing climate. |
| Nature grows and thrives all around us | We ensure that our streetscape and gateways promote sustainable practices (environmental and financial), protects our trees & improves native biodiversity. |
| Our delivery is consistent & financially sustainable | Our berms and gateways around the city are consistent wherever you look. They are easy & safe to care for, and their construction, maintenance and renewals limits greenhouse gas emissions as set out in the Climate Change Policy and is financially sustainable. |
| We uplift the power of Kaitiakitanga | Our streetscapes and gateways reflect & enhance our culture and history of the natural area (in alignment with He Pou Manawa Ora). |

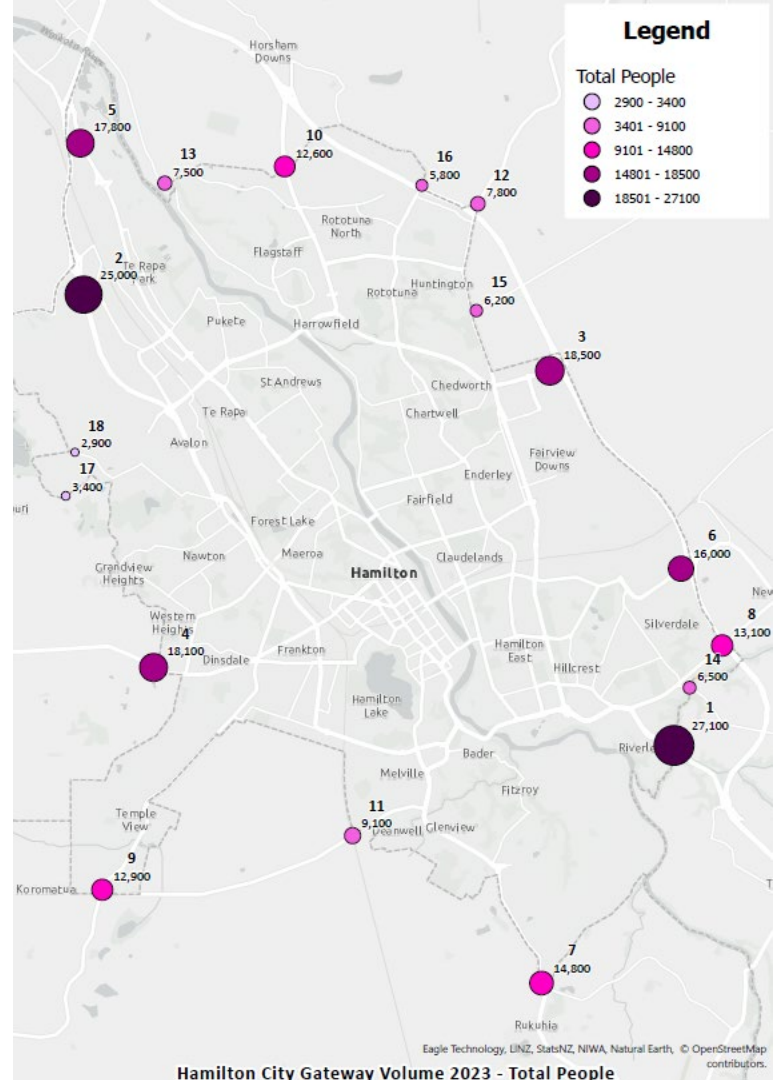
Our Gateways:

Do you want to classify by volume (data) or preference?

- Primary: Over 17,500/ day
- Secondary: between 10,000-17,500/ day
- Tertiary (NEW?): Below 10,000/day

| NUMBER | Name | Volume* | N,S,E,W | Current |
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* Volume is the average daily figure for the number of people who move through the Gateways (in Bus, car, truck) Monday –Sunday March 2023 Data



Streetscape Beautification LOS categories

How would you like to categorise the three schedules for streetscape planting?

The current policy states the following:

Schedule 1 Level 1 Sites: a high level of amenity characterised by a mix of landscaping and planting, including bedding plants. Inc. Primary Gateways

Schedule 2 Level 2 Sites: a medium level of amenity characterised by a mix of landscaping and planting designed for lower maintenance than Level 1. Inc. Secondary Gateways

Schedule 3 Level 3 Sites: amenity value including planting designed for low maintenance and high resilience.

6. Gateways are not intended to incorporate promotional tools (e.g. pole banners for upcoming events), but billboards may include city promotion.

| LEVELS OF SERVICE MATRIX | High maintenance: | Low Maintenance: |
|--|---|---|
| | <ul style="list-style-type: none"> frequency (fortnightly-monthly) Bedding (weekly) | <ul style="list-style-type: none"> Frequency (bi-monthly/ 8 weeks to annual) |
| High Amenity: A high level of amenity can include the following: <ul style="list-style-type: none"> Landscaping + planting. Representation of Cultural history Public art Clear signage Built features including. Tourism promotion | Schedule 1 (proposed) Primary gateways* | Schedule 2 (proposed) Secondary Gateways* |
| Low Amenity: <ul style="list-style-type: none"> Minor planting Clear signage | | Schedule 3 (proposed) Tertiary Gateways* (new?) |

See **appendix** or next slide for more information on definitions & examples

What does this mean? & what are examples?

High maintenance:

ie. high complexity to look after e.g. pest control, weed control, mowing, chemical application, de-heading, frequent pruning.

Low Maintenance:

ie. Weed, rake & annual prune

High Amenity:

Means what it looks like and what it has to offer to the community

Example of bedding Plants. *(Not a Gateway).*



Low maintenance planting with a built feature. ie. cultural art sculpture or a digital billboard



Low Amenity:

Basic level of information but is still looks inviting & attractive

Grass to mow or flax in roundabout & medians



Low maintenance planting, with no built feature. Can include rocks in concrete.



High-level historical total cost*

| LEVELS OF SERVICE MATRIX | High maintenance: <ul style="list-style-type: none"> • frequency (fortnightly-monthly) • Bedding (weekly) | Low Maintenance: <ul style="list-style-type: none"> • Frequency (bi-monthly/ 8 weeks to annual) |
|--|---|--|
| High Amenity: A high level of amenity can include the following: <ul style="list-style-type: none"> • Landscaping + planting. • Representation of Cultural history • Public art • Clear signage • Built features including. Tourism promotion | \$190k annually | \$330k annually |
| Low Amenity: <ul style="list-style-type: none"> • Minor planting • Clear signage | \$770k annually | \$2.35 million annually |

Cost includes traffic management*
and excludes any art, cultural sculpture, digital billboard etc.

Private planting on berms

Advice incorporating recent legal advice:

- key issue is managing the reputational risks for Council if private planting on berms is allowed
- notwithstanding ACC provisions, Council can still be liable for other types of loss e.g. damage to a vehicle in certain circumstances,
- specific permission using 'Licences to Occupy' recommended rather than allowing without approval- new administrative burden for Council, new
- no clear organisational fit for monitoring and enforcement (not obviously City Safe of Parking Enforcement)
- legal ability to regulate under the Local Government Act is not clear

Private planting on berms

Considerations:

- managing the reputational risk for Council regarding safety for members of the public.
- the impacts the policy may have on the environment: quality of water, microplastics, urban heat island effect, biodiversity, natural water treatment, harmful chemicals and climate change.
- the role the berm plays in regular resource recovery services (rubbish and recycling) and the need to ensure the outside berm is clear, maintained, and unimpeded for collections.
- the berm maintenance responsibility in medium-high density housing areas, and
- the community's views/feedback on this topic and any other points of interest.

Taking the legal advice and above considerations into consideration, in the revised policy do you want to allow private planting or prohibit private planting in the berm?

Any other concerns?

- Staff would like to know if there is anything further that Members would like addressed or investigated in this policy's review?

Next steps

- Staff will incorporate Member guidance into a first draft Hamilton Streetscape and Gateways Policy which will be circulated to members for feedback.
- Staff will then engage with key stakeholders and iwi groups
- Staff will reflect feedback into a second draft and re-circulate the policy for preliminary approval at a third briefing in **January/February**
- Final policy presented for approval **mid 2024 I&T Committee**